

*Example: An offender is convicted of a Class 2 misdemeanor and has no prior convictions. The court may impose only a community punishment ("C"). If, however, the offender has five or more prior convictions, the court, in its discretion, is authorized to impose either an active punishment ("A"), an intermediate punishment ("I"), or a community punishment ("C").*

### **Active Punishment    *G.S. 15A-1340.11(1)***

An active punishment requires the offender to serve the specified term of imprisonment in a local confinement facility (jail) or in a state prison. Misdemeanants receiving active punishments of 90 days or less must serve their sentence in local confinement facilities.<sup>1</sup>

### **Intermediate Punishment    *G.S. 15A-1340.11(6)***

An intermediate punishment requires a sentence of supervised probation with at least one of the following conditions:

1. Special Probation. Defined in G.S. 15A-1351(a), special probation includes a period of active confinement followed by a period of probation. (This is sometimes referred to as a split sentence.)
2. Residential Program. Assignment that requires the offender to reside in a facility for a specified period of time and to participate in activities such as counseling, treatment, social skills training, or employment training at the residential facility or other specified locations.
3. House Arrest with Electronic Monitoring. Assignment that requires the offender to remain at his or her residence unless the court or probation officer authorizes the offender to leave, and in which the offender shall wear a device which permits the supervising agency to monitor the offender's compliance with the condition.
4. Intensive Supervision. Assignment that requires the offender to submit to rules adopted by the Division of Community Corrections for intensive supervision.
5. Day Reporting Center. Assignment that requires the offender to report on a daily or other regular basis at specified times for a specified length of time to participate in activities such as counseling, treatment, social skills training, or employment training.
6. Drug Treatment Court Program. **(Effective July 26, 2004)**. Assignment that requires the offender to comply with the rules adopted for the program pursuant to Article 62 or Chapter 7A of the General Statutes and to report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.

An intermediate punishment may also include a fine, restitution, or any other conditions of probation which are considered community punishments.

For community penalties plans requested prior to January, 1, 2000, a sentence imposed pursuant to a community penalties plan as defined in G.S. 7A-771(2) is an intermediate

---

<sup>1</sup> Except as provided in G.S. 148-32.1(b).